



House of Representatives

File No. 726

General Assembly

January Session, 2001

(Reprint of File No. 324)

Substitute House Bill No. 6954
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 10, 2001

AN ACT CONCERNING THE PROTECTION OF CONNECTICUT'S AQUACULTURE INDUSTRY.

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. Section 22-416 of the general statutes is repealed and the
2 following is substituted in lieu thereof:

3 (a) For the purposes of this chapter "aquaculture" means the
4 controlled cultivation and harvest in the waters and tidal wetlands of
5 the state of aquatic animals and plants, including but not limited to,
6 oysters, clams, mussels and other molluscan shellfish, lobsters and
7 crabs, fish and commercially important seaweed.

8 (b) Connecticut's aquaculture is an integral part of the
9 environmental resources of the state and provides an irreplaceable
10 economic and recreational asset to the state's citizens. It is therefore
11 declared to be the policy of the state to protect, to the maximum extent
12 feasible, the state's valuable aquaculture resources.

13 Sec. 2. Subsection (a) of section 16-50p of the general statutes is

14 repealed and the following is substituted in lieu thereof:

15 (a) In a certification proceeding, the council shall render a decision
16 upon the record either granting or denying the application as filed, or
17 granting it upon such terms, conditions, limitations or modifications of
18 the construction or operation of the facility as the council may deem
19 appropriate. The council's decision shall be rendered within twelve
20 months of the filing of an application concerning a facility described in
21 subdivision (1) or (2) of subsection (a) of section 16-50i or subdivision
22 (4) of said subsection (a) if the application was incorporated in an
23 application concerning a facility described in subdivision (1) of said
24 subsection (a), and within one hundred eighty days of the filing of any
25 other application concerning a facility described in subdivision (4) of
26 said subsection (a), and an application concerning a facility described
27 in subdivision (3), (5) or (6) of said subsection (a), provided such time
28 periods may be extended by the council by not more than one hundred
29 eighty days with the consent of the applicant. The council shall file,
30 with its order, an opinion stating in full its reasons for the decision.
31 Except as provided in subsection (c) of this section, the council shall
32 not grant a certificate, either as proposed or as modified by the council,
33 unless it shall find and determine: (1) A public need for the facility and
34 the basis of the need; (2) the nature of the probable environmental
35 impact, including a specification of every significant adverse effect,
36 whether alone or cumulatively with other effects, on, and conflict with
37 the policies of the state concerning, the natural environment, ecological
38 balance, public health and safety, scenic, historic and recreational
39 values, forests and parks, air and water purity and fish, aquaculture
40 and wildlife; (3) why the adverse effects or conflicts referred to in
41 subdivision (2) of this subsection are not sufficient reason to deny the
42 application; (4) in the case of an electric transmission line, (A) what
43 part, if any, of the facility shall be located overhead, (B) that the facility
44 conforms to a long-range plan for expansion of the electric power grid
45 of the electric systems serving the state and interconnected utility
46 systems and will serve the interests of electric system economy and
47 reliability, and (C) that the overhead portions of the facility, if any, are

48 cost effective and the most appropriate alternative based on a life-cycle
49 cost analysis of the facility and underground alternatives to such
50 facility, and are consistent with the purposes of this chapter, with such
51 regulations as the council may adopt pursuant to subsection (a) of
52 section 16-50t, and with the Federal Power Commission "Guidelines
53 for the Protection of Natural Historic Scenic and Recreational Values in
54 the Design and Location of Rights-of-Way and Transmission Facilities"
55 or any successor guidelines and any other applicable federal
56 guidelines; (5) in the case of an electric or fuel transmission line, that
57 the location of the line will not pose an undue hazard to persons or
58 property along the area traversed by the line.

59 Sec. 3. This act shall take effect July 1, 2001.

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Affected Agencies: Connecticut Siting Council

Municipal Impact: None

Explanation**State Impact:**

Requiring the Connecticut Siting Council (CSC) to consider whether the siting of energy and telecommunications facilities will conflict with the state's aquaculture policy will result in a minimal workload increase to the CSC, which can be handled within the agency's normal budgetary resources.

House "A" makes the bill effective July 1, 2001 which results in no fiscal impact.

OLR AMENDED BILL ANALYSIS

sHB 6954 (File 324, as amended by House "A")*

***AN ACT CONCERNING THE PROTECTION OF CONNECTICUT'S
AQUACULTURE INDUSTRY.*****SUMMARY:**

In this bill, the legislature finds that the state's aquaculture is an integral part of its environmental resources and provides an irreplaceable economic and recreational asset to its citizens. The bill declares that it is state policy to protect the state's aquaculture resources to the maximum extent feasible.

By law, the Connecticut Siting Council must consider the environmental impact of the energy and telecommunications facilities in its jurisdiction in determining whether to approve their construction or modification. The bill specifically requires the council, as part of this process, to determine whether such facilities conflict with state policies regarding aquaculture.

*House Amendment "A" made the bill effective July 1, 2001 rather than upon passage.

EFFECTIVE DATE: July 1, 2001

BACKGROUND***Legislative History***

On April 24, the House referred the original version of the bill (File 324) to the Energy and Technology Committee, which reported it unchanged on May 1.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 28 Nay 0

Energy Technology Committee

Joint Favorable Report

Yea 11 Nay 0